

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION; and
LINDA McMAHON, in her official capacity as
Secretary of the Department of Education,

Defendants.

C.A. No.

DECLARATION OF CAREY M. WRIGHT

I, Carey M. Wright, declare as follows:

1. I am a resident of the State of Maryland. I am over the age of 18 and I am currently employed by the Maryland State Board of Education as State Superintendent of Schools of the Maryland State Department of Education (MSDE).

2. As the State Superintendent of Schools, I have personal knowledge of the matters set forth below or have knowledge of the matters based on my review of information and records gathered by my staff. If called as a witness, I could and would testify competently to the matters set forth below.

3. The Department is responsible for ensuring a rigorous and world-class educational experience for every Maryland student, in every neighborhood, that prepares each to be college and career ready.

4. On March 28, 2025, United States Secretary of Education Linda McMahon rescinded previously approved extensions of the time period to liquidate obligations under the Education Stabilization Fund (ESF). This decision impacts all programs funded by the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) and the American

Rescue Plan Act (ARP). Secretary McMahon’s letter set a new liquidation deadline of 5:00 p.m. on March 28, but the letter was attached to an email sent after 5:00 p.m., meaning that MSDE only received notice of the modification after it had taken effect.

5. Secretary McMahon’s letter takes the position that “[e]xtending deadlines for COVID related grants, which are in fact taxpayer funds, years after the COVID pandemic ended is not consistent with the Department [of Education]’s priorities.” But, as the Department of Education (USED) previously found, these extensions were necessary in the face of widely reported shipping delays, supply shortages, and construction backlogs to ensure effective support for Maryland’s educational needs following the COVID pandemic.

6. Maryland has unliquidated obligations funded by three ESF programs, Elementary and Secondary School Emergency Relief (ESSER), Emergency Assistance to Non-Public Schools (EANS), and Homeless Children and Youth (ARP-HCY). These federal funds have been dedicated to programs vital for addressing student learning gaps (especially those exacerbated by the COVID-19 pandemic), such as reading and math initiatives, tutoring, after-school activities, summer programs, wraparound supports, case management, mental health services, and transportation to early childhood programs.

7. Consistent with USED guidance, *see, e.g.*, Ex. A—Letter from USED Office of State and Grantee Relations to CRRSA and ARP Grantees (Dec. 5, 2024), MSDE requested and received extensions to the liquidation period for CRRSA funding through March 31, 2025, and for ARP funding through March 28, 2026. Ex. B—Md. ARP-HCY Liquidation Extension (Jan. 7, 2025); Ex. C—Md. ARP ESSER Liquidation Extension (Jan. 22, 2025); Ex. D—Md. ARP EANS Liquidation Extension (Jan. 22, 2025); Ex. E—CRRSA ESSER Liquidation Extension (Mar. 17, 2025); Ex. F—Md. CRRSA EANS Liquidation Extension (Mar. 17, 2025). Two of

those extensions were approved by Acting Assistant Secretary Hayley B. Sanon as recently as three weeks ago. Acting Assistant Secretary Sanon determined that “Maryland’s request[s] provide[d] sufficient justification and documentation for an extension to the period of liquidation.” Exs. E & F. Nothing has changed since USED approved MSDE’s extension requests to justify this sudden and unforeseen departure from the previous extensions to the period of liquidation.

8. In Maryland, the rescission of approval immediately impacts upwards of \$245 million, much of which has already been spent and awaits reimbursement by USED:

Program Name	Grant Award #	Amount Remaining to Be Liquidated	Request Date	Approval Date
CRRSA EANS	S425R210006	\$3,325,422.73	01/26/2025	03/17/2025
CRRSA ESSER	S425D210005	\$79,919,204.78	01/26/2025	03/17/2025
ARP-HCY	S425W210021	\$1,814,520.13	12/18/2024	01/07/2025
ARP EANS	S425V210006	\$312,277.00	12/11/2024	01/22/2025
ARP ESSER	S425U210005	\$160,505,073.59	01/14/2024	01/22/2025

9. USED’s sudden change in policy has caused chaos and confusion and threatens the financial stability of ongoing educational programs and initiatives in Maryland Secretary McMahon’s action deprives Maryland of funds that USED committed to pay through March 31, 2025 (for the CRRSA funds) or March 28, 2026 (for the ARP funds). Maryland and its local school systems reasonably relied on USED’s commitment and require those funds to meet the educational needs of their student populations. If this critical funding is not restored, Maryland school systems will be unable to satisfy obligations to public and private partners or provide essential public education services to residents.

10. Under the extensions USED approved, Maryland reasonably anticipated upwards of \$245 million in ESF funds would be available to pay existing obligations. Indeed, MSDE has drawdown requests pending. Additional funding was dedicated to projects that currently are in


progress. If USED reneges on its commitments, the impact on Maryland's schools and students will be catastrophic.

11. Hardest hit will be Maryland's school systems with the highest concentrations of poverty, such as Baltimore City Public Schools and Prince George's County Public Schools. In Baltimore City Public Schools, pandemic recovery-funded tutoring and after-school programs already are being wound down. The last day of tutoring programs was Tuesday, April 8. The last day for after-school programming at 44 sites and one virtual program will be Friday, April 11. In Prince George's County Public Schools, numerous programs are now in jeopardy, including Science of Reading training and resources, educator training on mitigating learning loss from COVID, community schools wrap-around services, mental health clinicians and immunization services, and technology devices. The loss of these programs in Maryland's highest-poverty school systems will only widen the academic achievement gap

12. The sudden withdrawal of expected funds places immediate pressure on Maryland and local school system budgets. Local school systems are already facing financial shortfalls, and the rescission of the approved funding likely will lead to further staff layoffs, increased class sizes, and reduced resources for students.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on April 8, 2025, at Baltimore, Maryland.


Carey M. Wright, Ed.D.